

## **REGULATIONS FOR ACCESSING CERESIO FOUNDATION ADR FUND**

### **Preamble**

1. Since its commencement, the Marian Conflict Resolution Centre (MCRC) has trained over hundred people in all the ten regions in Ghana in Alternative Dispute Resolution (ADR).
2. Trained mediators have been resolving conflicts through ADR. Their cases are of two kinds: first, court-referred or court-connected cases; second, voluntary or private cases, whereby the parties take personal initiative in contacting a mediator. In some cases, private mediations are suggested by the court before opening a process. In 2013, MCRC recorded 48 court-referred cases, of which 32 were resolved in the Sunyani High Court-ADR Connected Centre.
3. Some of the independent ADR practitioners (those who are not affiliated to any institutions), are financially constrained. These private ADR professionals trained by MCRC need financial support to promote ADR, which is one of the core aims of MCRC. Hence, MCRC decided to help these ADR professionals in their practice, specifically to support their operational cost.
4. The Swiss partner of MCRC, *seed*, was able to obtain a donation from *Fondazione del Ceresio* specifically for covering mediation fees. The fund is intended to support all MCRC-trained mediators. The donor, however, put one condition on the use of the fund; it is only a matching fund. This means MCRC should spend the fund on mediation fees, only if all the actors in the ADR processes are ready to pay some commitment fees. The main aim of the fund is to promote awareness of the social and economic value of ADR professionals. For MCRC certified ADR practitioners to access the fund they must abide by the Regulations below.

## **Art 1. Name and Appointment of the Committee**

- 1.1. The name of the fund is Ceresio Foundation ADR Fund, hereinafter referred to as the Fund.
- 1.2. All decisions related to the Fund shall be taken in accordance with this regulation.
- 1.3. The Fund shall be managed by the Ceresio Foundation ADR Fund Management Committee, hereinafter referred as the Committee.
- 1.4. The Committee shall consist of three members appointed by the MCRC Board and one of them shall be a member of MCRC Board.
- 1.5. The Administrative Assistant of MCRC shall be the secretary of the Committee.

## **Art 2. Assessment of Eligible ADR Practitioners**

- 2.1. Only ADR practitioners who were trained by the MCRC shall be eligible to apply for funds.
- 2.2. An applicant shall have at least one (1) year of experience as ADR practitioner.
- 2.2. An applicant shall submit the following for consideration by the Committee:
  - a. An online registration of *Form 1* available [www.mariancrc.org](http://www.mariancrc.org)
  - b. A copy of national identification document
  - c. A copy of MCRC certificate
  - d. Summary of at least three (3) ADR cases carried out within the least one (1) year.
  - e. Any other document deemed necessary by the Committee.
- 2.3. The Committee shall assess the information of each applicant and communicate the decision of acceptance or refusal to the applicant.
- 2.4. The Applicant shall file requests only after confirmation of acceptance from the Committee.

## **Art 3. Filing Requests**

- 3.1. The Applicant shall register the case before the ADR process begins or within three (3) days after first session. The registration shall be done by completing in *Form 2* online [www.mariancrc.org](http://www.mariancrc.org).
- 3.2. The applicant shall submit a short report each time the case is called or a session is held in order to update the Committee on the progress of the case. This shall be done by completing *Form 3* online [www.mariancrc.org](http://www.mariancrc.org)
- 3.3. At the end of the case, the applicant shall fill in *Form 4* online [www.mariancrc.org](http://www.mariancrc.org) and submit to the Committee within four (4) weeks of the last session.
- 3.4. In case of private ADR case, the report shall be endorsed by the petitioner and respondent.

3.5. In the case of court-connected ADR case, the report shall be endorsed by the supervisor in charge of the Court –Connected ADR centre.

3.6. A copy of the receipt of the mediation/arbitration fee payment by the parties shall be attached.

#### **Art 4. Mediation Fees**

- 4.1. An applicant who successfully settles a dispute shall be entitled to one hundred Ghana Cedis (100.00 Ghc).
- 4.2. An applicant who after minimum of five (5) sessions of ADR within five (5) weeks was unable to settle the dispute because of lack of compromise on one or the two disputants, shall be entitled to fifty (50.00 Ghc) for unsuccessful case.
- 4.3. The fees may be reviewed by the Committee in consultation with MCRC Board as and when necessary.

#### **Art 5. Payments**

- 5.1. Upon receiving the final report with all supporting documents, the Committee shall issue a cheque or order bank transfer for the applicant within four (4) weeks.
- 5.2. No payment shall be issued unless the applicant has fulfilled all the above required conditions with supporting documents.
- 5.3. An applicant shall face the law for any false information provided to the Committee.

#### **Art 6. Reporting**

- 6.1. The Committee shall submit annual report to MCRC Board and *Associazione seed* about the operations of the Fund.
- 6.2. *Associazione seed* will be in charge of reporting to the Ceresio Foundation in accordance with the terms of their agreement.
- 6.3. MCRC Board is entitled to provide strategic advice on the application of the Fund, and is in charge of finding new sources for its sustainability, including negotiation with the judicial service and with other institutional bodies for a more just recognition of the social and economic value of ADR and ADR practitioners.

#### **Art 7. Change in Regulations**

- 6.3. The regulations shall be amended when necessary with the approval of the MCRC Board and with adequate notice to and/or a representation of *Associazione seed*.

Appendix 1

**FORM 1 Mediator registration**

*To be submitted before filing any request to the fund*

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**MATCHING FUND REGISTRATION FORM**

First Name: .....

Family Name: .....

Occupation: .....

Organization: .....

Mobile no: .....

Email Address:.....

Year of Training with MCRC:.....

Are you active with a court for court-connected cases? YES/NO

If you answered YES, in what court? .....

In order to be registered as active mediator/arbitrator by MCRC, you are asked to provide a short report of at least 3 mediation cases you completed within the last three years. You can write your report on following template.

**Mediation**

- + Upload picture (JPG)
- + Attach copy of MCRC certificate (PDF/JPG)
- + Attach report 1 page each of 3 cases (DOC/PDF)

**FORM 2 Case Registration**

*To be submitted in advance or within 3 days after the first mediation/arbitration session*

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Names of parties for mediation:

Petitioner .....

Respondent .....

Place for mediation: .....

Title of the case: .....

This case is court referred / private

If (a) type of court .....

**FORM 3 ADR session short report**

*To be submitted after each mediation session*

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Names of parties for mediation:

Petitioner .....

Respondent .....

Place for mediation: .....

Date and time of the session .....

Short description of the session and of its outcome (maximum half a page)

**FORM 4 ADR case report (final)**

*To be submitted within 4 weeks of the end of the case (either settled or still open)*

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Names of parties for mediation:

Petitioner .....

Respondent .....

Place for mediation: .....

Title of the case: .....

This case is court referred / private

If (a) type of court .....

Number of sessions held .....

Outcome of mediation/Arbitration : .....

Short description of the mediation process

Mediation/Arbitration fee paid by parties, in total: .....

(please attach invoice and receipt of payment)

Mediation/Arbitration fee paid by court, in total: .....

(please attach proof of payment)



**Template for reporting mediations**

Names of parties for mediation:

Petitioner .....

Respondent .....

Place for mediation: .....

Title of the case: .....

This case is court referred / private

If (a) type of court .....

Number of sessions held .....

Outcome of mediation: .....

Short description of the mediation process

Mediation/Arbitration fee paid by parties, in total: .....

Mediation/Arbitration fee paid by court, in total: .....

*Please all relevant supporting documents (from court, from the parties, etc.). All will be handled confidentially.*

